

City Policy to apply the distance exception created by SDCL 11-12-2 for a
pre-existing Adult Oriented Business

1. This policy will apply to any adult oriented business to which the state legislature granted an exemption from the minimum distance established by SDCL 11-12-2.
2. To meet the statutory requirement of a continuing business since before July 1, 2008, the business claiming the distance exemption shall be contained within the same building structure and footprint as it was operating within before July 1, 2008.
3. To meet the statutory requirement of a continuing business since before July 1, 2008, the business claiming the distance exemption shall have been conducting an adult business activity as defined within SDCL 11-12-2 since before July 1, 2008, or be a direct successor in interest to such a business.
4. To meet the statutory requirement of a continuing business since before July 1, 2008, the business claiming the distance exemption shall be in compliance with all applicable occupancy and change of use requirements of the International Building Code as adopted in Title 2, Section 2.02.01 of Sturgis City Ordinances.
5. To meet the statutory requirements of a continuing business since before July 1, 2008, the business claiming the distance exemption shall be located at premises and within a structure that has been licensed to allow sexually oriented performing, as required by Sturgis Municipal Ordinance 12.11.04, since before July 1, 2008, and consecutively for each calendar year thereafter.